P.F. 141 2.93

G. R. S. IX-5]

Previous references.

1893-94

192

([illegible])

File No. 132 8/93

Serial Nos. 5

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1–5

Register ~~Part~~ B for June 1894.

SUBJECT.

Patel claim of Kambe Gowda of Thodasighatta, Nelamangala Taluk

---

Countermanded

Appeal No. 98 of 1893-94

Appellant:—

Kambe Gouda of Tadasighatta, Nelamangala Taluk.

Respondent:—

Kunna Baire Gowda of the same Village.

Appellants' father Narasé Gouda was the Hakdar Patel of Tadasa ghatta and Mavina Kommanhalli in the Nelamangala Taluk. He died in 1877. The Appellant was then 13 years old and there was no adult male member in his family to urge this claims. Kunna Bore Gowda of Tadaghatta (Respondent) and one Dodda Rame gowda of Marina Kommana halli both strangers to the deceased's family but influential men Conducted the duties of the Office, each in his Village without authority. In 1877 there was a requisition for a list of Patels to whom Sannads had not been granted, and in reply a list was sent of such as were actually doing duty and among them we the names of the said two persons. Thereupon Sannads were issued to them by the Deputy Commissioner in October 1879. Dod Rame gouda of Mavina Kommanhalli died in 1880. His brother Mud Rame gowda was after that doing the duties of that Village.

In 1888 the Appellant claimed the Pateli of both the Villages. In the Course of the enquiry Respondent and Mud Rame gouda asserted that they were Hakdars but the Deputy Commr, Colonel Macintire, upon a detailed report submitted by the Amildar, ordered that the Appellant should be registered as Patel of both the Villages but given possession of the Pateli of Mavina Kommanhalli which was vacant. With regard to Jadasaghatta, he said that Kunna Baire gouda (Respondent) who was an elderly man doing duty since the death of Appellants' father, should continue "as Patel *gumasta* tile "incapaciated from "further work, or re-"moved from his *acting* "office by orders from the District".

In November 1893, the Appellant presented a petition to the Deputy Commissioner praying that he might be put in possession of the Pateli of Sadasa Ghatta as Respondent was illiterate and old The present Deputy Commissioner rejected the prayer on the grounds that the acting man was reported to be [illegible] efficient by the Amildar, and that he (Dy. Comr) could not over rule the order of a former Deputy Commissioner.

The present appeal

is against the above order

The distance between the two villages is about half a mile. The Revenue and other particulars are given below

Villages.	As per Survey Area A. G.	Assessment Rs. A.	Under cultivation Area A. G.	Assess.	Gross village Rent Rs.	houses	[illegible]
1. Marina Konmanhalli	577.18	538.8	270.23	219	355-11-0	Depopulated.	12.12.
2. Zadacaghatta	723.27	985.4	610.4	963	77..11.3	302.0	22.12

Memo

A. S. No. 98 of 93 - 94.

Appellant.	Respondent.
Patel Kamble Gowda	Kunni Byre Gowda
Residing at Vaddara Halli	Residing at do
of Doddamalli Hobli	Vaddara Halli
the Channapatna Taluk	

Appeals against the order of the Dy. Commissioner, Bangalore District declining to ~~[illegible]~~ set aside the order of his predecessor ~~for appointing~~ directing Kunni Byre Gowda to continue to hold the office of Patel of Vaddara Halli during his life.

The appellant says:-

(1) That the appellant's father was not only the registerdar to the office of Patel of Vaddara Halli and [illegible] but he also actually conducted the duties of the office;

(2) That the appellant's father died in the last famine of Dhatu Samvatsara the appellant having been a minor at the time in 1878 Government nominated separate Gumastas to conduct the duties of the office temporarily.

(3) That in 1888 ~~when~~ the appellant having become competent to conduct the duties requested the Dy. Commissioner to confer the office of Patel on him. The [illegible]

for the two villages registered in the appellant's name and as he had no experience in work conferred on him the office of Patel of Meavina Kommanahalli and told him personally that as soon as he was found qualified for the work he would be placed in charge of Tadasighatta also.

Not warranted by the records.

(4) That the Respondent has been conducting the duties of the office of Patel of Tadasighatta as appellant's gumasta. The appellant having served the Government faithfully and well and acquired experience in the work requested the Dy. Commissioner to confer the office of Patel now in the possession of the Respondent on him. But the Dy. Commissioner passed the order now appealed against.

(5) That the appellant is not aware that, as stated in the order appealed against, the then Dy. Commissioner ordered that the Respondent should continue to hold office during his life. He had no authority to pass such order, nor is it binding on the appellant.

(6) That in the Endorsement of 10' Novr. 88 granted to the appellant it is stated that the Respondent should be allowed to continue as Patel of Tadasighatta till he is incapacitated from further work or removed from his office by orders

from the District. This is in conformity with his verbal order.

(7) That the order of the Dy. Commissioner directing that the Respondent himself should conduct the work through the appellant, ~~being a~~ who is the Registerdar, is competent to ~~the~~ do the work, is opposed to justice.

The facts of the case are as follow:-

One Narse Gowda was the Patel of Tadasighatta and Mavina Kunnahalli. He died in 1877 during the famine of Dhatu Eeswara. At his death his son appellant Kembee Gowda was a minor and had no Elderly male member in his family. Respondent Kunna Byre Gowda and Dodda Kame Gowda having been influential in the Village at the time assumed themselves the Offices of Patel of Tadasighatta and Mavina Kunnahalli respectively. They continued to Enjoy the office till 1888 when the appellant having come of age Complained to the Dy. Commissioner Bangalore District urging that the Patili Hak of the aforesaid two villages belonged to him, that he having been a minor at his father's death the

Vide petition d. 6-5-88

the Respondent and another assumed the office themselves and requested that the office of Patil might be continued in them. The Collector, to whom the petition had been referred for report as to what had transpired in the matter and whether it was true that the appellant was deprived of his office and if so what was the cause for it; examined the appellant and the witnesses cited by him.

The appellant stated:-

The office of Patil of Tadigatta & Marain-kommana halli was in his father's name. He served for 50 or 60 years and died a year before the famine. He (appellant) was a minor at the time he [illegible] the work ~~conducted~~ done by one [illegible] for a year the villagers [illegible] him from office. Kuruva Byregowda & Dodda Ramanna occupied Tadigatta and Marainakommana halli, respectively. ~~He~~ Since the death of Doddaramegowda ~~[illegible]~~ his nephew has been ~~conducting~~ doing the duties, though he has ~~any~~ no right. All the villagers ~~know the~~ know that appellant's father ~~conducting~~ was doing the duties. They should be sent for and enquired.

The witnesses cited by the appellant stated:-

The heir to the office of Patil of the said two villages was the appellant

Five are residents of Tadigatta & Nine residents of the adjoining village Dod hele!

the duties till now. When Ramegowda died Sulabele village, which belonged to his Hak, was after good deal of correspondence transferred to his son's name. If Ramegowda had been really a Hakdar for Maginakommanahalli it would have also been similarly transferred. But since it was not done so it is reason enough to say that the present incumbents are not the Hakdars of the aforesaid two villages. The records submitted herewith show that the appellant is the Hakdar of the said villages.

Whereupon Major Macintire the then Dy. Commissioner passed the following order:-

"From the records I see it is clear that Petitioner Kembe Gowda is the son of the former Patel. On the latter's death owing to this Kembe Gowda being a minor the present incumbent Kum Byregowda was appointed Patel. This was in 1879. But he evidently has looked after the Patel's work since the death of Petitioner's father in 1875. Under these circumstances I am of opinion that it would not be just to oust him from the Patelship summarily. The name of Kembe Gowda should be entered in the Register as Patel, but Kum Byregowda who is an elderly man should be allowed father Ramappa [illegible]. He lived long as Patel and died during the famine. After his death the present incumbent having been ~~conducting~~ doing the duties. Neither their Elders nor themselves had ever before acted as Patels.

Respondent [illegible] [illegible] concluded:-

Tadigatta He is the holder of the ~~office~~ Patelship of his father was doing duty. After his death he has been discharging the duties for the last 30 years. He produced the license granted in his name in 1877. Ramappa never acted as Patel.

Muddanappa, who was acting as Patel of [illegible]halli, stated:

He did not know whether the name to the office of Patel of this village belonged to him or not. The office of Patel of [illegible]halli and [illegible]halli were in his brother Ramappa's name. After his death Doddahall was given, to give in his son Puttappa's name, and he was directed to ~~conduct~~ do the duties till he became fit. He is discharging the duties accordingly. ~~Both~~ Neither the license ~~and~~ nor the license of the office of Patel of [illegible]halli ~~were not~~ was altered. They are still in his brother's name. He is only ~~conducting~~ doing the duties.

to continue as Patel till he is incapacitated from further work, or removed from his acting office by order from the District."

"This does not apply to [illegible]halli, the register of which should be made out in the name of Petitioner [illegible] at once, and he should carry on the work of this village from April 1st 1889".

On the 27 Septr. 93 the appellant prayed to the Amildar of [illegible] to be conferred on him the [illegible] office of Patel of [illegible]halli which was held by Hanu Byregowda the Respondent who was not only an illiterate man but had no talent for the office.

In reply the Amildar informed the appellant that the office could not be conferred on him till the present 30-9-93
incumbent Hanu Byregowda became unfit for work.

Against this order he appealed to the Dy. Commissioner who issued the 4-11-93
following order which is now appealed against:-

Hanu Byregowda has been doing the duties of [illegible] Patel since 1875. Major [illegible] has ordered on 1st April 1889 that Byregowda should continue to hold the office during his life. He is still able to discharge the duties. There is therefore no reason now for altering that order.

The Circle Insp. reported as follows.

On Examining the Patel Register of 1868 Narse Gowda is mentioned as Patel of Jadurapalli and Narasina Hanumanahalli. In the register of 1875-76 under the head "Patel" Narse Gowda's name is mentioned for Jadura-palli with the remark "Sanad issued to Hanuma Byregowda. Narse Gowda is dead. As his son is 13 years old Hanuma Byregowda might be appointed". Narse Gowda's name is mentioned for Narasina Hanumanahalli also with the remark that Sanad was issued to Ramegowda.

On enquiring in the village it is learnt that the present incumbents are not the holders of the office of Patel - Appellant's Narsegowda died in the famine of 1877. His son was a minor at the time. As there was no elderly male member in the family the matter was not disputed. The aforesaid individuals having been influential in the village conducted the Patel's duties. No Sanction seems to have been obtained for this. As the names of these individuals were in-cluded in the list of Patels to whom Sanads had not been issued called for in 1877 Sanads seems to have been issued to them also. As the appellant was a minor at the time he did not dispute ~~about~~ this and they continued to conduct

No. 1147 of 20th March 94.

Village	As per Survey - area	assessment	Under cultivation area	assessment	Gross Revenue	No. of Houses	Population	[illegible]
	a. g.	Rs. as. p.	a. g.	Rs. as. p.	Rs. as. p.			
1. Mavinakommanahalli	579-18	538-8-0	270-23	317-0-0	385-1-0	0	0	12-12-0
2. Jadasighatta	723-27	985-4-0	610-4	955-0-0	970-0-3	33	210	22-12-0

The Dy. Commissioner observes:-

"The [illegible] that [illegible] prayed that he might be allowed to look after the Patel duties of Jadasighatta, as the present incumbent is getting too old. But I dismissed his prayer, as the Amildar reported that the acting man was still efficient and as I could not overrule the proceedings - Dy. Commissioner.

The distance between Jadasighatta and Mavinakommanahalli is about half a mile and their revenue is shown in the margin.

SK

Respdt
Byre gowda

Petitioner is the Patel of two villages situated at a distance of 1/2 mile from each other. One of the Villages Jadasagatta is now held by ~~one~~ the Respdt who has been doing duties ever since the death of his father. Col Macintire decided that the Respdt should continue to do duties during his life - or till he is incapacitated, & that order is upheld by the present Dy Court - the appeal is against this.

1 M. 1877

rder issued by the
Court is equitable &

~~The~~ existing arrangements will
ntinue during the
ife time of the Respt.
On his death the Office
~~must~~ revert to the
Appellant who is
the Hukdar

by UL
8/6/94

7-6-94

(General Serial No. 32.)

1894.

(2)

No. 2243

Name of Petitioner. Kambe Gowda
by Cheranaukadagaiah (guardian) of

Village. Thadasighatta

Taluk. Nelamangila

District. Bangalore

Date of Arrl. 28-1-94

Date of Receipt. 29-1-94

Date of Disposal.

No. of Enclosures. One.

In time
Stamp sufficient
[illegible]
R
1/2

Call for a report. ~~ask the~~ [illegible] Reg the distance between the two villages. Then [illegible]
[illegible]
15/2/94

Submitted with a letter,
28/2/6/94

L.R. 132-93.

ABSTRACT.

Appeals against the Bangalo
deputy Commissioner's order, no.
dated 23rd December 1893, on the
following grounds:

(1). That the Pateli offices of Thadasig
+ [illegible] of Kommanahalli were
registered in his father's name +
his father was doing the duties of the
(2) That after his father's death, the sa
was registered in his name + as he
was a minor, the Govt. appointed
some Gumasta Patel for doing
the duties.

(3)

he applied that his office may be given to him alone, but the then Deputy Commissioner ordered that only the office of the Patel of Mar[illegible] should ~~may~~ be given to the petr. & the other village should ~~may~~ be retained by the Gumasta till the petr. learns work.

4) That afterwards when he was able to do the duties he applied for the restoration of the other village, viz Tadagatta but the present Deputy Commissioner ordered that the same cannot be restored to him during the lifetime of the Gumasta according to the then Deputy Commissioner's order.

That he was not aware of the then Deputy Commissioner's order, restricting that the same should not be given to him ~~while the Gumasta~~ during the lifetime of the Gumasta.

That the order that the Gumasta alone should do the duties while the Registradar himself is capable of doing the same, is opposed to law.

Prays therefore ~~for justice~~ that he may be given charge of the office

---

~~[illegible]~~ 4/2 The Dy. Comr's order is as follows—

K. Shavie Gowda has been doing the duties of Tadagatta since 1875. Major [illegible] has ordered on 1 April 1889 that [illegible] should continue to hold the office during his life. He is still able to discharge the duties. There is therefore x

x no reason now for altering that order.

57

1

Pr... 27/1/94

COURT FEE

26-1-94

TWO RUPEES

OFFICE
DEPARTMENT
No. 2243
DATE 29-1-94

[illegible]

[illegible]

A. S. No. 95/93-94

[illegible]

[illegible]

1 [illegible] 1893 [illegible] 23 [illegible]

2 [illegible]

3 [illegible] 1870 [illegible]

4 1888 [illegible]

[illegible]

5. [illegible]

6. [illegible]

7 [illegible]

8. [illegible]

[illegible]

[illegible]

೨೨

[illegible]

[illegible]

23.1.14.

[illegible]

S. Narasimha Iyengar

No 102

[illegible]

[illegible]

[illegible] 102 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 776 [illegible]

88 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 89 [illegible]

[illegible]

[illegible]

[illegible]

Mr Sheyaul [illegible]

[illegible]

23 Dec

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Pet. / 1429

[illegible]

೨೬-೨-೯೪

MYSORE DEWAN'S OFFICE

PETITION DEPARTMENT.

(3)

OFFICIAL MEMORANDUM.

The accompanying Petition No. 2243 dated 23rd January 94 received at the Dewan's Office from Patil Kambe Gowda of Tadasighatta, Nelamangala Taluk appealing against the order of the Deputy Commissioner Bangalore District regarding the Patelship of the above village

L.R. 132 13-2

is forwarded, together with its one enclosures, to the Deputy Commissioner Bangalore District for submission of the proceedings with a report on the facts of the case and on the points urged in the petition

2. The distance between the two villages Tadasighatta & [illegible] and their [illegible] [illegible] should be stated

3. The petition and the enclosure should be returned

By Order,

[illegible] 19/

For Chief Secretary.

Draft
Commissioner
BANGALORE,
15/2 1894
26.

7/2

(General Serial No. 30.)

1893-94/4681

From The Dy Commissioner Pet. 662
Bangalore District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 20th } March 1894
Despatched 28th }
Received

Enclosures No. 1 file

General No.
Dy No. 1147

In reply to Ch: Secy's No. 1429 dated 15-2-94.

SUBJECT.

Submits Report with Pro: on petition from Patel Kambegowda of Tudasighatta, Nelamangala Taluk, appealing against the order of the Dy Commissioner, Bangalore District regarding the Pateli of the said Village.

(26)

(4)

tted to the Council for
with reference to the
recorded on Petn. No. 2243

L.R. 132-93-3

Post the Case for hearing & give notice to Pr & the officiator

L L
19/5/94

[illegible]

sted to 7th June - Mysore
otices to be issued tomorrow
20/5

Appellant's advocate served
Respondent

2/6/94

References (to be entered only in the Dewan's Office).

Pet 4489/3

Recd 30/3/94

7

Dy Commissioner's Office
Bangalore District

D. No 1147.
Encl. file
Dated 20th March 1894.

To
The Chief Secretary to the Dewan
of Mysore,

Sir,

I have the honor to acknowledge the receipt of your Official Memo No 1429 dated 10th Ultimo, forwarding for report a petition from Patel Rambegowda of Tadasighatta, Nelamangala Taluk, regarding the Patel of the village, and to submit, as called for, the record connected with the case.

2. The petitioner's father who was the Patel of Tadasighatta and Narna-Kommanahally, having died in 1875, and the petitioner being a minor then, Ramma Bhairegowda and Dodda Ramanna were appointed Patels of those villages respectively.

3. In 1885 the petitioner claimed the Office and the then Dy Commissioner ordered his name being entered in the Register as Patel and himself being put in charge of the Office of Narna Kommanahally

which was then vacant. As regards Tadasighatta, Colonel Macintyre said that Kunnabhairegowda should continue as Patel Gumasta till he is incapacitated from further work or removed from his acting office by orders from the District."

4. In November last Kambegowda prayed that he might be allowed to look after the Patel duties of Tadasighatta, as the present incumbent is illiterate and old. But I dismissed his prayer, as the Amildar reported that the acting man was still efficient and as I could not overrule the order of a former Deputy Commissioner.

5. The distance between Tadasighatta and Marinakunnanahally is about half a mile and their revenue &a is shown in the margin.

6. The enclosures of the reference under reply are herewith returned.

I have the honor to be
Sir,
Your Most Obedient Servant

for Dy. Commissioner

+ Village	As per Survey Area A-G.	As per Survey Assessment Rs-as-P.	Under Cultivation Area A-G.	Under Cultivation Assessment Rs	Gross Revenue Rs-as P.	No. of Houses	Population	Amount of Patasi
1. Mavinakunnanahally	579-15	538-5--	270-23	819	335-1--	"	"	12-12--
2. Tadasighatta	723-27	985-4--	610-4	963	970-11-3	30	210	22-12--

Appeal No 98 of 1893-94.

Appellant.
nke Gonda of
dasaghatta
dlamangala Taluk
esented by Mr S. Narasimiayan
r, Advocate.

Respondent.
Kunna Baire Gonda
represented by Mr A.
Ramanna, Advocate.

Decision

L.R 132-93-4

Petitioner is the Patel of two villages situated at a distance of 1/2 mile from each other. One of the villages, Tadasaghatta is now held by the Respondent who has been doing duties ever since the death of Petitioner's father in 1877. Colonel Macintire decided that the Respondent should continue to do duties during his life, or till he is incapacitated, and that order is upheld by the present Deputy Commissioner. The appeal is against this.

2. The order issued by the Deputy Commissioner is equitable, and the existing arrangements will continue during the life time of Respondent. On his death the office will revert to the appellant, who is the Hakdar.

Draft endt. is not necessary for appl.
BR

By order

Redraft

Chief Secretary.

No. $\frac{22724}{P.J. 141-93}$ d. $\underset{27}{17}$·6·94. (Compd. End.)

Copy forwarded to the Deputy Commissioner, Bangalore District, with the records received with his No 1147, dated 20th March 1894.

Print in abstract
E.D.J. 9/7

By order

Chief Secretary

S.C.

BR

Issue this endorsement
E.D.J. 24/6

[illegible]
28-6-94

$\frac{2243}{A.S. 98}$

Mysore Dewan's Office
Petition Branch

Dated $\frac{17}{28}$ June 1894.

⑥

L.R. 132-93-5

Endorsement granted to Kambe Gonda of Tadasaghatta Nelamangala Taluk, in reply to his petition No. $\frac{2243}{A.S. 98}$, dated 23rd January 1894, appealing against the order of the Deputy Commissioner of Bangalore regarding the office of Patel of Tadasaghatta.

Petitioner is informed that ~~the order issued by the Deputy Commissioner is equitable,~~ ~~that~~ the existing arrangements will continue during the life time of Respondent Kunna Bhire Gonda and that on his death the office will revert to the Appellant who is the Hakdar.

By Order

Chief Secretary

Draft
(Council order)

S.V.